

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:07-CR-0191 |
| | : | |
| v. | : | (Judge Conner) |
| | : | |
| HECTOR RADAMES | : | |
| ROCHE-MORENO | : | |

ORDER

AND NOW, this 10th day of January, 2012, upon consideration of the request for permission to bring a second or successive petition for writ of habeas corpus (Doc. 94) filed by Hector Radames Roche-Moreno on January 4, 2012, and the court finding that in order to file a second or successive petition for writ of habeas corpus, the applicant must move in the Third Circuit Court of Appeals for an order authorizing the district court to consider the second or successive habeas petition, see 28 U.S.C. § 2244(b)(3)(A), and that a panel of the Third Circuit Court of Appeals must certify that the successive motion contains either “(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable,” 28 U.S.C. § 2255(h), and it appearing that Roche-Moreno has not sought or received authorization from the Third Circuit for this court to consider a second or successive habeas petition, and the court therefore concluding that it lacks the jurisdiction to permit the filing of a second or

successive habeas petition, it is hereby ORDERED that the request for permission to bring a second or successive petition for writ of habeas corpus (Doc. 94), filed by Hector Radames Roche-Moreno, is DISMISSED for lack of jurisdiction.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge